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May 21, 2021

Via ECF

The Honorable Ronnie Abrams, U.S.D.J.
United States District Court, S.D.N.Y.
40 Foley Square, Room 2203
New York, New York 10007

Re: *Peral v. Brittgab Corp. et al*
Case No. 21-cv-01892

Dear Judge Abrams:

I am counsel to Plaintiff in this matter and respectfully ask leave for (1) a 60 day extension to serve Defendant Gabriel Weiser, and (2) compel Defendants to respond to limited discovery requests prior to the Court ordered mediation.

Extension of Service

Defendant Gabriel Weiser is the brother of the counsel to all Defendants in this matter, Ilan Weiser. Early in this litigation, we had asked Ilan Weiser to waive service for all Defendants. He refused.

Since then, we had retained a third party process server who tried to serve Gabriel Weiser at three different locations, but each time, the person answering the door refused service. As such, due to Defendants' tactics to evade service even though Gabriel Weiser has been fully informed and is aware of this lawsuit, I respectfully request that Plaintiff obtain a 60 day extension from the current service due date of June 2, 2021 to August 1, 2021.


Request to Compel Limited Discovery

Plaintiff has served a request for the Corporate Defendants (of which Gabriel Weiser is the owner and operator), to provide the home and place of business address for Defendant Gabriel Weiser to help facilitate effective service. Defendants have refused to provide such information to us and instead threatened sanctions. Since Defendant Gabriel Weiser is the owner and operator of the pizza establishments at issue in this lawsuit, we believe it is important for him to be served prior to the contemplated mediation so that he may participate in the Court ordered mediation.

For the relief requested herein, I thank the Court for considering this matter. I had requested Defendants' counsel for his consent, but he has (1) refused to provide the requested discovery and (2) has not responded to our request for service extension.

Respectfully submitted,
/s/ C.K. Lee

Based on the affidavit of service at docket entry 40, it appears that Gabriel Weiser was served process on May 24, 2021. The motion is thus denied as moot.
SO ORDERED.



Ronnie Abrams, U.S.D.J.
May 28, 2021